MONTHLY HIGHLIGHTS

NOAA
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
HABITAT CONSERVATION DIVISION

OCTOBER 2000

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

ASMFC CONSIDERS DEVELOPMENT OF STATE PLANS FOR PROTECTION OF SUBMERGED AQUATIC VEGETATION

The Atlantic States Marine Fisheries Commission (ASMFC) Habitat Committee supported the development of individual state plans to address fishing gear impacts to submerged aquatic vegetation at its meeting October 14 in Clearwater Beach, FL. The Committee is working to prepare a general outline for these plans, and identify minimum plan requirements. The Committee is also determining a consistent approach for ASMFC involvement in habitat permitting issues. **(Dianne Stephan, 978/ 281-9397; dianne.stephan@noaa.gov)**

MANCHESTER-BY-THE-SEA DREDGING

Manchester-By-The-Sea, Massachusetts is proposing maintenance dredging approximately 20,000 cubic yards of sandy material from two inner harbor anchorage's and the entrance channel. However, the entrance channel bisects a large bed of eel grass (*Zostera marina*) and the proposed dredging footprint would result in the direct loss of approximately 49,000 sf of eelgrass. The habitat characteristics of this small estuary attract and support resident fish species year round, as well as being commonly known to attract large numbers of migratory striped bass (Morone saxitalis) during the warmer months. The outstanding feature of this estuary is that the outer harbor region supports the largest contiguous eelgrass bed (approximately 143 acres) between Boston and the New Hampshire border. NMFS provided a variety of EFH recommendations including intensive pre and five years of post-eelgrass monitoring protocols and compensatory mitigation for documented loss of eelgrass vegetation. NMFS did not oppose maintenance dredging of this 300 year old harbor and expects rapid regrowth of eelgrass in the channel area. The Army Corps of Engineers (ACOE) supports NMFS recommendations regarding compensatory mitigation of eelgrass impacts. **(Eric Hutchins, 978/ 281-9313)**

PERCH POND INLET DREDGING

The Town of Falmouth, Massachusetts proposed dredging an inlet channel between two tidally

influenced coastal ponds. The proposal footprint would have impacted an area of productive shellfish habitat and potentially impact an area of adjacent salt marsh vegetation. After extensive discussions, formal letters and debate with the proponents, the project has been modified to include all of NMFS recommendations including reducing the proposed dredging depth, and multi-year monitoring reports which focus on documenting shellfish recolonization. **(Eric Hutchins, 978/ 281-9313)**

JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732

EMPIRE LTD./MEADOWLANDS MILLS PROJECT

The Habitat Conservation Division (HCD) has completed a review of the draft Environmental Impact Statement (EIS) for the Empire Ltd./Mills Corporation's proposed mixed use development in the Hackensack Meadowlands. Our comments are substantially the same as those prepared for the preliminary draft EIS. Major issues still include the purpose and need of the project, off-site alternatives and minimization of impacts and mitigation. As a result, we continue to oppose issuance of a permit for the project, and have found that all of the proposed alternatives would have substantial and unacceptable impacts to aquatic resources of national importance. **(Karen Greene, 732/ 872-3023)**

NEWPORT DEVELOPMENT ASSOCIATES

HCD and the New York District, ACOE met with the Newport Development Associates, their consultants and a member of Congressman Menendez's staff to discuss the applicant's proposal to install 905 linear feet of steel sheetpile bulkheading and to fill approximately 0.29 acres of intertidal and subtidal habitat of the Hudson River in Jersey City, to create uplands for a public access walkway. The bulkhead and fill are part of a large-scale development project along the river that included residential, commercial and office space. We remain concerned about avoidance and minimization of the fill. It appears that alternatives exist that would reduce the impacts of the project. However, the applicant maintains that the project must go forward as proposed, and that they will mitigate the impacts. We maintain that the proposal bypasses the Section 404 (b)(1) Guidelines which require the sequencing of avoidance, minimization, then mitigation. We will continue to coordinate with the ACOE on this project. The needed EFH assessment has been received and comments on it are due by the end of November. **(Karen Greene, 732/ 872-3023)**

ARMY CORPS OF ENGINEERS, DELAWARE RIVER DEEPENING

The Philadelphia District, ACOE has initiated an expanded EFH consultation with habitat staff for the deepening of the Delaware River navigation channel from Philadelphia to Delaware Bay. Because the EIS had been completed before the EFH mandate was in effect, the consultation is being performed outside the NEPA process. Critical issues include the scheduling of the dredging outside of the many seasonal restrictions that are necessary to protect vulnerable life stages of EFH species, anadromous species and endangered species. **(Anita Riportella, 732/ 872-3116; anita.riportella@noaa.gov)**

DOCKS IN SHELLFISH BEDS

A meeting was held at Sandy Hook on October 19, 2000 with representatives of the HCD staff, Chemical Research staff, U.S. Fish and Wildlife Service, N.J. Department of Environmental Protection and the ACOE (Philadelphia and New York Districts) to discuss the impacts to marine resources associated with the construction of docks in shellfish beds and related permitting issues. Since the state has approved a change in their regulations, the state has been permitting docks in shellfish beds under the "in-fill" rule, i.e., if the site is within 300 feet of neighboring docks on each side of the site. Habitat staff have historically and recently recommended denial of the projects that would construct docks in shellfish beds. The impacts to shellfish from chemical leachates from the CCA treated lumber used for the dock construction, the polyaromatic hydrocarbons from boat fuel residues, condemnation of shellfish beds within the dock footprint and methods to assess the possible numbers of applications for this type of project and their cumulative impacts were among the topics discussed. Further discussion among the agencies will be forthcoming. **(Anita Riportella, 732/ 872-3116; anita.riportella@noaa.gov; Karen Greene, 732/ 872-3023; or Stan Gorski, 732/ 872-3037)**

DELAWARE BASIN FISHERIES

Stan Gorski chaired the Delaware Basin Fisheries Technical Committee held at the Delaware River Basin Commission in West Trenton, NJ on October 25. The Committee discussed the ACOE's proposed deepening of the Delaware Federal Channel and how to revise the interagency dredging policy in order to protect federally managed species, anadromous species managed by the ASMFC, and protected species living in the lower bay. **(Stan Gorski, 732/ 872-3037)**

MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460

STAFF CHANGE

It is with regret that the Milford Field Office announces the departure of Cori Rose. Effective October 28 2000, Cori has resigned from her position in the Habitat Conservation Division. She has accepted a new position with the New England District, ACOE where she will report to duty in early November. Questions about any of Cori's former projects should be taken up with Mike Ludwig, who will be coordinating with the Field Office Supervisor and Assistant Regional Administrator for Habitat Conservation on their reassignment. **(Michael Ludwig, 203/ 579-7004; Michael.Ludwig@noaa.gov)**

HARD CLAM RESTORATION PROJECT UNDER CONSIDERATION

The Planning arm of the New York District, ACOE is considering a hard clam restoration project in Great South Bay, Long Island, New York. If undertaken, the work would involve placing shell in shallow areas of Great South Bay within the jurisdictional boundaries of the Town of Oyster Bay. At the present time, it is anticipated that the shell placement would be undertaken over a 3.5-7.0 acre area. Staff from the Milford Field Office have been consulting with the ACOE on various aspects of this project, including preliminary discussions about the necessary EFH coordination. **(Diane Rusanowsky, 203/579-7004; Diane.Rusanowsky@noaa.gov)**

FISH AND WILDLIFE COORDINATION REPORT IN PREPARATION

The US Fish and Wildlife Service (USFWS) is preparing a Fish and Wildlife Coordination Report for a wetland restoration proposal on Schodack Island, Hudson River, New York. This river reach is known to provide nursery habitat for the endangered shortnose sturgeon, *Acipenser brevirostrum* and other resources of concern. Most recently, staff have been coordinating with the USFWS on aspects of the report that pertain to shortnose sturgeon. **(Diane Rusanowsky, 203/579-7004; Diane.Rusanowsky@noaa.gov)**

OXFORD, MD OFFICE, 904 SOUTH MORRIS STREET, OXFORD, MD 21654

SITE 104

Site 104, an open water disposal in Chesapeake Bay that was used from 1924 through 1974, was under consideration for future use to supplement the diminishing capacity of existing spoil sites associated with Baltimore Harbor dredging. However, Maryland's Governor recently announced that further consideration of use of Site 104 would be terminated because of the presence of trace amounts of contaminants in channel sediments. Ironically, open water disposal sites adjacent to Pooles Island continue to be used for the deposition of channel sediments. **(Tim Goodger, 410/ 226-5771)**

POPLAR ISLAND

The capacity of Poplar Island, the 1200-acre island re-creation being constructed as a"Beneficial Use of Dredged Material" project, will be greatly diminished as a result of the withdrawal of Site 104 from further consideration. The capacity of Site 104 was estimated to be as much as 18 million cubic yards. The loss of Site 104 will necessitate over-loading Poplar Island and other approved sites with a concomitant loss of capacity at these sites. It is estimated that the life of Poplar Island may be decreased by as much as 13 years. Consequently, additional sites are being sought. **(Tim Goodger, 410/ 226-5771)**

PARSONS AND EASTERN NECK ISLANDS

These islands are being considered as interim sites to help compensate for the loss of Site 104. It has been estimated that each of these "Beneficial Use" sites could accommodate 3-6 million cubic yards of material. The conceptual design of these sites include filling adjacent shallow waters. Impacts to fish habitat, including Submerged Aquatic Vegetation beds, have not been evaluated as yet. **(Tim Goodger, 410/ 226-5771)**